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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

*In re Wells Fargo Mortgage
Discrimination Litigation*

Case No. 3:22-cv-00990-JD

Hon. James Donato

**STIPULATION REGARDING RESPONSIVE
PLEADING**

Plaintiffs Aaron Braxton, Paul Martin, Gia Gray, Bryan Brown, Elretha Perkins, Christopher Williams, Ifeoma Ebo and Terah Kuykendall-Montoya and Defendant Wells Fargo Bank, N.A., through their respective counsel, hereby stipulate:

WHEREAS, Defendant's response to the Consolidated Complaint on file in this action is due May 12, 2023;

WHEREAS, the parties have met and conferred by video and in email exchanges regarding issues Defendant intended to raise in a motion to dismiss and/or strike in response to the Consolidated

1 Complaint in this action;

2 WHEREAS, as a result of those efforts, the parties have reached agreement to resolve those
3 issues at this time, subject to the conditions and terms herein;

4 WHEREAS, the parties wish to document those agreements and, as a result of those
5 agreements, to extend by five days the May 12, 2023 response date as Defendant finalizes its answer.

6 **NOW THEREFORE**, the parties agree as follows:

7 1. Defendant will not seek to strike loan modifications from the class definition at this
8 time, subject to Plaintiffs' agreement that they will not seek discovery on loan modifications, either
9 with respect to data requests or the decision process for modifications. The parties agree that Plaintiffs
10 reserve the right to raise this issue in the future to the extent facts are discovered that warrant doing
11 so, and Defendant reserves the right to oppose.

12 2. Defendant will not seek dismissal of the Unruh Civil Rights Act (California Civ. Code
13 § 51) or California Unfair Competition Law (California Bus. Prof. Code §§ 17200, *et seq.* ["UCL"])
14 claims at this time, subject to Plaintiffs' agreement that: (a) the Unruh Act claim is only asserted as a
15 stand alone claim by the California named plaintiffs and any California putative class members; and
16 (b) the UCL claim is asserted by all named plaintiffs and putative class member (i.e., non-California
17 plaintiffs also), and those plaintiffs may assert the Unruh Act claim as a predicate violation of the
18 UCL's unlawful prong. Without waiving any other arguments or defenses, Defendant will not oppose
19 the assertion of said predicate violation solely on the grounds that it was not specifically pleaded in
20 the Consolidated Complaint.

21 3. Defendant will file an answer to the Consolidated Complaint on or before May 17,
22 2023.

1 DATED: May 10, 2023

WINSTON & STRAWN LLP

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16 DATED: May 10, 2023

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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(h)(3)

Pursuant to Civil Local Rule 5-1(h)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the signatories above.

By: /s/ Amanda L. Groves
Amanda L. Groves